

CONFECTIONERY, SUGAR, AND SIRUP

27684. Butter Brickle candy. (F.D.C. No. 46486. S. No. 34-313 T.)

QUANTITY: 34 cases, each containing 24 pkgs. of 6 individually wrapped candy bars each, at Hopkins, Minn.

SHIPPED: 8-3-61, from Sioux Falls, S. Dak., by Fenn Bros., Inc.

LABEL IN PART: (Pkg.) "6 Fenn's Butter Brickle Candy Bars Milk Chocolate Covered English Toffee with Roasted Almonds * * * Mfg. by Fenn Bros., Inc. Sioux Falls, S. Dak." and (candy bar) "Fenn's Butter Brickle English Toffee Chocolate Covered * * * Ingredients * * * Pure Vanilla Reinforced with vanillin Net Wt. $\frac{5}{8}$ Oz. Mfd. by Fenn Bros., Inc., Sioux Falls, S.D."

RESULTS OF INVESTIGATION: Examination showed that the quantity of contents and ingredients statements were printed on the back of individual candy bar labels, which bars were packed face up in an open front package of 6 bars which was wrapped and sealed in cellophane so that it could not be opened at the time of purchase, and the mandatory information was not visible because of the opaque back of the package.

LIBELED: 10-19-61, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (2) and (i) (2) to appear on the label, namely, quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(k)—the article contained an artificial flavoring and it failed to bear labeling stating that fact.

DISPOSITION: 12-1-61. Default—delivered to charitable institutions.

27685. Candy. (F.D.C. No. 46988. S. No. 32-213 T.)

QUANTITY: 52 cases, 24 unlabeled jars each, at Los Angeles, Calif.

SHIPPED: 10-26-61, from Jeannette, Pa., by J. C. Crosetti Co.

LABEL IN PART: (Case) "2 Dozen #65 Old Fashion Candy Jar Candy Filled."

LIBELED: 1-22-62, S. Dist. Calif.

CHARGE: 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 403(i) (1)—the article failed to bear a label containing the common or usual name of the food; and 403(i) (2)—the article failed to bear a label containing the common or usual name of each ingredient.

DISPOSITION: 3-2-62. Default—delivered to charitable institutions.

27686. Candy. (F.D.C. No. 46606. S. Nos. 42-096/7 T.)

QUANTITY: 92 cases, 16 ctns. of 24 pkgs. each, and 563 cases, 100 pkgs. each, at Philadelphia, Pa.

SHIPPED: 6-29-61 and 8-11-61, from Ponce, P.R., by Howard B. Stark Co.

LABEL IN PART: (Pkg.) "Stark Assorted Candy Wafers * * * Net Wt. $1\frac{5}{8}$ Oz. Howard B. Stark Co., Milwaukee, Wisc. and Ponce, Puerto Rico."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 10-30-61, E. Dist. Pa.